



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Meyer and Lillian Blinder--Request for
Reconsideration

File: B-238783.2

Date: June 26, 1990

Jonathan P. Graham, Esq., Williams & Connolly, for the
protester.

James Vickers, Esq., and John Brosnan, Esq., Office of the
General Counsel, GAO, participated in the preparation of the
decision.

DIGEST

Request for reconsideration of decision finding suspended
offeror not to be an "interested party" under General
Accounting Office's Bid Protest Regulations is denied
because even though offeror is appealing suspension the
offeror remains ineligible for award until suspension is
lifted.

DECISION

Meyer and Lillian Blinder request reconsideration of our
decision Meyer and Lillian Blinder, B-238783, May 11, 1990,
90-1 CPD ¶ , dismissing its protest of the General
Services Administration's (GSA) finding of nonresponsibility
in connection with its offer under solicitation for offers
No. 89-10 for the acquisition of 21,500 square feet of
office space in Englewood, Colorado.

We dismissed the protest because we found the Blinders not
to be an "interested party" to maintain a protest under our
Bid Protest Regulations, 4 C.F.R. § 21.0(a) (1990),
following GSA's suspension of Mr. Blinder from contracting
with the federal government. See Federal Acquisition
Regulation § 9.407-2. The suspension resulted from
Mr. Blinder's criminal indictment by a federal grand jury
for racketeering and securities fraud.

The request for reconsideration is based on the fact that
Mr. Blinder is appealing the suspension at GSA. The
Blinders request that we consider the protest on the merits

048859 / 141690

or delay any action on it until a final determination is made on the suspension.

There is no basis for our Office to consider the merits of the protest or delay action on it. Until the suspension is lifted, the Blinders remain ineligible for any award and are not an interested party to maintain the protest. Capitol Eng'g & Mfg., Co., E-224268, Oct. 9, 1986, 86-2 CPD ¶ 416. If the suspension is lifted, the Blinders may request that the protest file be reopened, provided that they do so in a timely fashion. Ikard Mfg. Co., B-213017, July 23, 1984, 84-2 CPD ¶ 80. At this point, however, we view the Blinders as ineligible to maintain a protest.

The reconsideration request is denied.



for James F. Hinchman
General Counsel